

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENSON MILLS, INC.,

Plaintiff,

-v-

OCCASIONS INC,

Defendant.

19 Civ. 8421 (PAE)


ORDER TO
SHOW CAUSE

PAUL A. ENGELMAYER, District Judge:

On September 11, 2019, plaintiff filed the complaint in this case. Dkt. 1. On September 12, 2019, plaintiff served defendant with process, making defendant's deadline to answer or otherwise respond October 3, 2019. *See* Dkt. 13. The Court then granted two extensions of time for defendant to file its answer, first to November 4, 2019, and then to December 3, 2019. *See* Dkts. 15, 17. Since, then, defendant has not responded to the complaint or sought any additional extension. Plaintiff, however, has not obtained a certificate of default from the Clerk of Court or filed a motion for default judgment against defendant, and no progress has otherwise been made in this case.

Accordingly, it is hereby ORDERED that plaintiff shall show cause by **August 9, 2020**, why the above-captioned action should not be dismissed for failure to prosecute, pursuant to Rule 41 of the Federal Rules of Civil Procedure. Plaintiff may show cause by properly submitting a motion for default judgment, pursuant to the Court's Individual Rules, which requires obtaining a certificate of default issued by the Clerk of Court prior to filing a motion for default judgment. Failure to submit a timely and proper motion for default judgment will result in dismissal of this case under Rule 41.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: July 30, 2020
New York, New York